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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,476	04/02/2004	Lawrence A. Oldroyd	66638/42649	3170
21888 7590 02/04/2009 THOMPSON COBURN LLP ONE US BANK PLAZA SUITE 3500 ST LOUIS, MO 63101				
EXAMINER				
MOTSINGER, SEANT				
ART UNIT		PAPER NUMBER		
2624				
NOTIFICATION DATE		DELIVERY MODE		
02/04/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPDOCKET@THOMPSONCOBURN.COM

### Office Action Summary

**Application No.**

10/817,476

**Applicant(s)**

OLDROYD, LAWRENCE A.

**Examiner**

SEAN MOTSINGER

**Art Unit**

2624

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 12/13/2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Applicants Arguments/Amendments***

Applicants Arguments/amendments filed on 1/28/2009 have been entered and made of record.

Applicants arguments with respect to the drawings have been fully considered but are not persuasive. It is not clearly explained how each of the elements is shown in the drawings. The cited drawings do not clearly show the claim features. The examiner suggests a new flow diagram(s) depicting the newly filed claims 26-50

Applicant's arguments/amendments with respect to the rejections under 35 U.S.C. 112 have been fully considered but are not persuasive. Applicants argues that various sections teach the claim elements. However the recited sections do not supported via clear recitation any of the method steps, it appears applicants specification has similar disclosure but it does not appear the disclosure supports the claim elements. Applicant should provide clear explanation of how cited portions support all of the claim features. For example the cited sections do not appear to support determine a center of the scene "based on a coordinate system.....", the transforming step does not appear to be preformed "based on a type of the sensor". In claim 27 there appears to be no reference to an actual "pin hole camera" or what that even is. In claim 29 it is not supported that the additional steps are preformed during registration nor is it supported how either step is based on the type of sensor. Re claim 30 it is not clear where projection

parameters are found nor how they are "for the perspective of the sensor relative to the scene based on.....". In claims 31-34 the recited sections do not appear to recite the supported features and a large section is cited for several features it is not clear how if at all these sections support the features of these claims. In claims 35-36 the cited sections appear to have little if anything to do with the recited claim. In claims 37-38 the recited sections do not appear to recite the supported features and a large section is cited for several features it is not clear how if at all these sections support the features of these claims. In claim 39 there is no discussion with respect to geocoding the in the cited section.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims virtually none of the steps shown in claims 26-50 show the steps recited and appear to be little more than vaguely related. Therefore, the elements of claims 26-50 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. The examiner suggests a new flow chart that is related to each element in every claim.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The amendment filed June 9, 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: support for new claims 26-50 is not found in the original application.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which

it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 26-50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Each of claims 26-50 contain language that is not found in the specification applicant has not pointed out where the new (or amended) claim is supported, nor does there appear to be a written description of the claim limitation.

In claim 26 the cited sections do not appear to support determine a center of the scene "based on a coordinate system.....", the transforming step does not appear to be preformed "based on a type of the sensor", it is not clear how registering performs geocoding.

In claim 27 there appears to be no reference to an actual "pin hole camera" or what that even is.

In claim 29 it is not supported that the additional steps are preformed during registration nor is it supported how either step is based on the type of sensor.

In claim 30 it is not clear where projection parameters are found nor how they are "for the perspective of the sensor relative to the scene based on.....".

In claims 31-34 the recited sections do not appear to recite the supported features and a large section is cited for several features it is not clear how if at all these sections support the features of these claims.

In claims 35-36 the cited sections appear to have little if anything to do with the recited claim elements.

In claims 37-38 the recited sections do not appear to recite the supported features and a large section is cited for several features it is not clear how if at all these sections support the features of these claims.

In claim 39 there is no discussion with respect to geocoding the in the cited section. Applicant should identify support in the application as originally filed for each new claim and each element of each new claim.

Claims 40-50 contain similar features.

Applicant has canceled claims 1-25 and added new claims 26-50. Applicant has not pointed out where the new claims are supported in the application as originally filed, nor does there appear to be a written description of the claimed limitations in the application as originally filed. See *Hyatt v. Dudas*, 492 F.3d 1365, 1370, 83 USPQ2d 1373, 1376 (Fed. Cir. 2007) (holding that MPEP section 2163.04(I)(B) as written is a lawful formulation of the *prima facie* standard for a lack of written description rejection).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN MOTSINGER whose telephone number is (571)270-1237. The examiner can normally be reached on 9-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571)272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jingge Wu/



Application/Control Number: 10/817,476

Page 8

Art Unit: 2624

Supervisory Patent Examiner, Art Unit 2624

Motsinger

1/28/2009